

REMARKS

Claims 17-19 have been amended to more clearly recite that which Applicant regards as the invention and to correct for a lack of antecedent basis. Entry of the Amendment is respectfully requested. Claims 7-19 and 21-25 are pending, with Claims 7-16 being withdrawn from consideration.

Response to Rejection Under 35 U.S.C. §112

Claims 17-19 and 21-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 17-19 and 21-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have reviewed the Examiner's rejection, and amended the claims to more clearly recite that which Applicants regard as the invention and to correct for the lack of antecedent basis. Accordingly, withdrawal of the rejection is requested.

Response to Rejections Under § 103

Claims 17-19 and 20-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over EP 0751567 to Andricacos et al in view of U.S. Patent Application Publication No. 2004/0188850 to Lee and further in view of U.S. Patent Application No. 2003/0155655 to Fitzsimmons. Applicants respectfully traverse.

As an initial matter, Applicants note that they are able to remove Lee as prior art and thereby overcome this rejection. Lee has a U.S. filing date of March 28, 2003, which is later than Applicants' foreign priority date of December 9, 2002. Thus, Applicants are considering disqualifying Lee as a prior art reference under § 102 by submitting a sworn English language translation of Applicants' foreign priority document supporting the elements of the present

claims. Accordingly, before acting on this application, the Examiner is requested to contact the undersigned in the event that the translation is not yet shown in the PTO's Image File Wrapper system. Further, Applicants submit that the claimed invention is not obvious for reasons of record, and thus reconsideration of those reasons is requested.

Moreover, Fitzsimmons discloses a structure in which a getter layer is included in a liner (barrier metal film), which indicates partial oxidization of the barrier metal film.

In contrast, the present claims relate to a barrier metal film which is not at all oxidized. Applicants submit that this is a significant difference between the present invention and Fitzsimmons.

Accordingly, Andricacos, Lee and Fitzsimmons fail to render obvious the present claims. Withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

*Howard L. Bernstein / ^{James K. Kane}
Key No. 33,745*
Howard L. Bernstein
Registration No. 25,665

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 24, 2008